

# Notice of Allowability

Application No.

09/504,327

Examiner

Raymond J. Bayerl

Applicant(s)

ZENITH, DR. STEVEN ERICSSON

Art Unit

2174

## -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to papers filed 30 March 2007.
2. ☒ The allowed claim(s) is/are 18 - 32, all other claims canceled.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All b) ☐ Some\* c) ☐ None of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

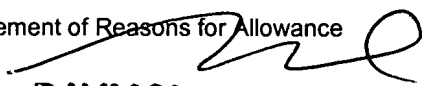
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

### Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08),  
Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit  
of Biological Material

5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413),  
Paper No./Mail Date \_\_\_\_\_
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

  
**RAYMOND J. BAYERL**  
**PRIMARY EXAMINER**  
**ART UNIT 2174**

13 June 2007

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1. The following is an examiner's statement of reasons for allowance:


The Examiner is in general agreement with the points advanced by applicant regarding the amended claims, in the paper filed 30 March 2007. The "method" now recited in the independent claims 18, 30, in which "interactive interface characters associated with the presentation characteristics" are "for interacting with the viewer and for engaging in a dialog with the viewer" (claim 18 quoted as exemplary), fairly distinguishes over the combination of references relied upon in the previous 35 USC 103(a) rejection. Neither Herz et al. (US #6,088,722) nor Bingham et al. (US #5,799,298), alone or together, serves to illustrate a "character" of the kind now appearing in the claims. At best, Bingham et al. uses representative images that model human agents, but these do not engage in the dialog seen in the present claims.

As part of the final consideration as to prior art, the Examiner wishes to make of record two additional, relevant references, as listed on the attached form PTO-892. Clanton, III et al. (US #5,745,710) presents an interactive character of sorts in a movie selection interface. However, this character is not adaptable to user preferences as are applicant's. Also, and newly issued, is Ellis et al. (US #7,185,355 B1), where a program guide does respond to a user profile but does not use applicant's form of displayed character.

2. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

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3. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Raymond J. Bayerl, whose telephone number is (571) 272-4045. The Examiner can normally be reached on M – Th from 9:00 AM to 4:00 PM ET.
4. If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Kristine Kincaid, can be reached at 571-272-4063. All patent application related correspondence transmitted by FAX **must be directed** to the central FAX number (571) 273-8300.
5. Any inquiry of a general nature or relating to the status of this application of proceeding should be directed to the receptionist, whose telephone number is (571) 272-2100.

  
**RAYMOND J. BAYERL**  
**PRIMARY EXAMINER**  
**ART UNIT 2174**  
13 June 2007